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10/575,517	04/13/2006	David Ryan	SM9308PCT(US)	3914
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KUSNER & JAFFE HIGHLAND PLACE SUITE 310 6151 WILSON MILLS ROAD HIGHLAND HEIGHTS, OH 44143			EXAMINER HENRY, MARIE/GEORGES A	
			ART UNIT 2455	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/575,517

**Applicant(s)**

RYAN, DAVID

**Examiner**

MARIE GEORGES HENRY

**Art Unit**

2455

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-45, 50, 53, 56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-45, 50, 53, 56 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This is in response to the amendment filed on 12/02/2008. Claims 1-18, 46-49, 51-52, 54-55 are withdrawn. Claims 19, 21-24, 32, 34-35, 37, 45, 50, 53, 56, and 57 are amended. Claims 19-45, 50, 53, and 56-57 are pending. Claims 19-45, 50, 53, and 56-57 are related to computer system and methods therefor.

### **Objection**

2. Dependent claims 20-31 and 33-44 are objected because of the following informalities: The term "a format as claimed in claim 19" and "a method as claimed in claim 32" have to be replaced by the method in claim 19 and the method in claim 32 respectively. Correction is required.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless -

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

4. Claims 19- 30, 32-43, 45, 50, 53, 56, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by **Gawlick et al.** (hereinafter "Gawlick") (**US 6,377, 953 B1**).

*Gawlick discloses the invention as claimed including a metadata that indicates the structure that apply to data types (see abstract).*

Regarding claim 19, Gawlick discloses a communications format for use in providing communication between at least two devices, the format comprising:

a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 6, lines 55-61, column 8, line 50, a data item is transformed from a native format to a particular view required by an application when it is moving in and out of a database which has large binary objects), and

a second portion representing metadata for defining a data structure and a data format to be given to the first portion, the data structure and the data format given to the second portion being definable for each communication between said at least two devices (Gawlick, column 7, lines 1-9, column 9, lines 6-9, when sending information in a database system, a metadata included information about the structure and application format of a data is applied).

Regarding claim 20, Gawlick discloses a format as claimed in claim 19, in addition Gawlick discloses the system wherein the second portion is adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 10, lines 19-27, data items are transformed between how they are represented in the database system and how they are represented in a particular program).

Regarding claim 21, Gawlick discloses a format as claimed in claim 19, in addition Gawlick discloses the system wherein the definition given to the second portion is selectable from a set of one or more definitions (Gawlick, column 9, lines 63-67, many applications that manipulate e-commerce data require the data to be presented in different ways than their native structures).

Regarding claim 22, Gawlick discloses a format as claimed in claim 19, in addition Gawlick discloses the system wherein the first and second portions are communicated between said at least two devices in separate transmissions (Gawlick, column 6, lines 41-44, a transmission system where a computer user uses a network system to transmit codes for an application in a server is disclosed).

Regarding claim 23, Gawlick discloses a format as claimed in claimed in claim 19, in addition Gawlick discloses the system wherein the second portion represents a selection of at least one meaning data structure and data format to be given to the first

portion (Gawlick, column 9, lines 63-67, JAVA and C application are disclosed as different ways a native structure can be manipulated).

Regarding claim 24, Gawlick discloses a format as claimed in claim 23, in addition Gawlick discloses the system wherein the data structure and the data format to be given to the first portion is stored in at least one of the two devices (Gawlick, column 9, lines 55-67, a JAVA application is disclosed being stored in a database system).

Regarding claim 25, Gawlick discloses a communications format as claimed in claim 19, in addition Gawlick discloses the system wherein the second portion further provides information on reading the data (Gawlick, column 9, lines 63-67, data item is received from a table, and metadata is read).

Regarding claim 26, Gawlick discloses a format as claimed in claim 19, in addition Gawlick discloses the system wherein the second portion is a tag(s) (Gawlick, column 14, lines 32-35, value based index are used for data items that satisfy certain criteria).

Regarding claim 27, Gawlick discloses a format as claimed in claim 26, in addition Gawlick discloses the system wherein the tag(s) is an element of a map providing correlation to stored information defining the second portion (Gawlick, column 7, lines 21-55, a structure is disclosed having identifiers for the data types).

Regarding claim 28, Gawlick discloses a format as claimed in claim 27, in addition Gawlick discloses the system wherein the map is adapted to map an external identifier to an internal identifier (Gawlick, column 7, lines 21-55, a system is disclosed that allows identifying and querying data item in a database).

Regarding claim 29, Gawlick discloses a format as claimed in claim 19, in addition Gawlick discloses the system wherein the metadata is serializable for communication between the devices (Gawlick, column 6, lines 1-2, a telephone line using serial communication is used).

Regarding claim 30, Gawlick discloses a format as claimed in claim 19, in addition Gawlick discloses the system wherein the metadata comprises metadata (Gawlick, column 8, lines 38-39, metadata is transformed view metadata).

Regarding claim 32, Gawlick discloses a method of communicating between at least two devices, the method comprising the steps of:

providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 6, lines 55-61, column 8, line 50, a data item is transformed from a native format to a particular view required by the application when it is moving in and out of a data base which has large binary objects), and

providing a second portion representing metadata for defining a data structure and a data format to be given to the first portion, the data structure and the data format given to the second portion being definable for each communication between said at least two devices (Gawlick, column 7, lines 1-9, column 9, lines 6-9, when sending information in a database system, a metadata included information about the structure and an application format of a data is applied).

Regarding claim 33, Gawlick discloses a method as claimed in claim 32, in addition Gawlick discloses the method wherein the second portion is adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 10, lines 19-27, data items are transformed between how they are represented in the database system and how they are represented in a particular program).

Regarding claim 34, Gawlick discloses a method as claimed in claim 32, in addition Gawlick discloses the method wherein the definition given to the second portion is selectable from a set of at-least one or more definitions (Gawlick, column 9, lines 63-67, many applications that manipulate e-commerce data require the data to be presented in different ways than their native structures).

Regarding claim 35, Gawlick discloses a method as claimed in claim 32, in addition Gawlick discloses the method wherein the first and second portions are communicated between said at least two devices in separate transmissions (Gawlick, column 6, lines 41-44, a transmission system where a computer user uses a network system to transmit codes for an application in a server is disclosed).

Regarding claim 36, Gawlick discloses a method as claimed in claim 32, in addition Gawlick discloses the method wherein the second portion represents a selection of at least one meaning to be given to the first portion (Gawlick, column 9, lines 63-67, JAVA and C application are disclosed as different ways a native structure can be manipulated).

Regarding claim 37, Gawlick discloses a method as claimed in claim 36, in addition Gawlick discloses the method wherein the data structure and the data format to be given to the first portion is stored in at least one of the two devices (Gawlick, column 9, lines 55-67, a JAVA application is disclosed being stored in a database system).

Regarding claim 38, Gawlick discloses a method as claimed in claim 32, in addition Gawlick discloses the method wherein the second portion further provides information on reading the data (Gawlick, column 9, lines 63-67, data item is received from a table, and metadata is read).

Regarding claim 39, Gawlick discloses a method as claimed in claim 32, in addition Gawlick discloses the method wherein the second portion is a tag(s) (Gawlick, column 14, lines 32-35, value based index are used for data items that satisfy certain criteria).

Regarding claim 40, Gawlick discloses a method as claimed in claim 39, in addition Gawlick discloses the method wherein the tag(s) is a map providing correlation to stored information defining the second portion (Gawlick, column 7, lines 21-55, a structure is disclosed having identifiers for data types).

Regarding claim 41, Gawlick discloses a method as claimed in claim 40, in addition Gawlick discloses the method wherein the map is adapted to map an external identifier to an internal identifier (Gawlick, column 7, lines 21-55, a system is disclosed that allows identifying and querying data item in a database).

Regarding claim 42, Gawlick discloses a method as claimed in claim 32, in addition Gawlick discloses the method wherein the metadata is serializable for communication between the devices (Gawlick, column 6, lines 1-3, a telephone line using serial communication device is used).

Regarding claim 43, Gawlick discloses a method as claimed in claim 32, in addition Gawlick discloses the method wherein the metadata comprises metadata (Gawlick,

column 8, lines 38-39, metadata is transformed view metadata).

Regarding claim 45, Gawlick discloses an architecture for a communication device, the architecture comprising:

a programming layer for communications internal to the device (Gawlick, column 9, lines 57-60, potentially complex data transformation is made by required operations),

a communications layer for communications external to the device (Gawlick, column 10, lines 24-27, routines for performing transformation of data types are used in the e-commerce environment from Neonsoft and TSIssoft), wherein the external communications are in accordance with the format comprising:

a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 6, lines 55-61, column 8, line 50, a data item is transformed from a native format to a particular view required by the application when it is moving in and out of a data base which has large binary object), and

a second portion representing metadata for defining a data structure and a data format to be given to the first portion, the data structure and the data format given

to the second portion being definable for each communication between said at least two devices (Gawlick, column 7, lines 1-9, column 9, lines 6-9, when sending information in a database system, a metadata included information about a structure and an application format of a data is applied).

Regarding claim 50, Gawlick discloses apparatus adapted to communicate via a format comprising:

a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 6, lines 55-61, column 8, line 50, a data item is transformed from a native format to a particular view required by the application when it is moving in and out of a data base which has large binary object), and

a second portion representing metadata for defining a data structure and a data format to be given to the first portion, the data structure and the data format given to the second portion being definable for each communication between said at least two devices (Gawlick, column 7, lines 1-9, column 9, lines 6-9, when sending information in a database system, a metadata included information about the structure and an application format of a data is applied),

said apparatus including:

processor means adapted to operate in accordance with a predetermined instruction set, said apparatus, in conjunction with said instruction set, being adapted to perform the communication (Gawlick, column 6, lines 11-14, a computer system including communication feature provides two ways data communication).

Regarding claim 53, Gawlick discloses a computer program product including:

a computer usable medium having computer readable program code and computer readable system code embodied on said medium for providing communications within a computer system (Gawlick, column 5, lines 41-45, a computer system having computer –readable medium providing instructions to a processor is disclosed), said computer program product including:

computer readable code within said computer usable medium being adapted to communicate via a format comprising:

a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 6, lines 55-61, column 8, line 50, a data item is transformed

from a native format to a particular view required by the application when it is moving in and out of a data base which has large binary object), and

a second portion representing metadata for defining a data structure and a data format to be given to the first portion, the data structure and the data format given to the second portion being definable for each communication between said at least two devices (Gawlick, column 7, lines 1-9, column 9, lines 6-9, when sending information in a database system, a metadata included information about the structure and an application format of a data is applied).

Regarding claim 56, Gawlick discloses apparatus adapted to provide communications from a first device to a second device, said apparatus including:

processor means adapted to operate in accordance with a predetermined instruction set, said apparatus, in conjunction with said instruction set, (Gawlick, column 5, lines 41-45, a computer system providing instructions to a processor is disclosed) being adapted to perform a method comprising the steps of:

providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 6, lines 55-61, column 8, line 50, a data item is

transformed from a native format to a particular view required by the application when it is moving in and out of a data base which has large binary object), and

providing a second portion representing metadata for defining a data structure and a data format to be given to the first portion, the data structure and the data format given to the second portion being definable for each communication between said at least two devices (Gawlick, column 7, lines 1-9, column 9, lines 6-9, when sending information in a database system, a metadata included information about the structure and an application format of a data is applied).

Regarding claim 57, Gawlick discloses a computer program product including:

a computer usable medium having computer readable program code and computer readable system code embodied on said medium for providing communications from a first device to a second device within a computer system (Gawlick, column 5, lines 41-45, a computer system having computer –readable medium providing instructions to a processor is disclosed),

said computer program product including:

computer readable code within said computer usable medium for performing a method comprising the steps of:

providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Gawlick, column 6, lines 55-61, column 8, line 50, data item is transformed from a native format to a particular view required by the application when it is moving in and out of a data base which has large binary object), and

providing a second portion representing metadata for defining a data structure and a data format to be given to the first portion, the data structure and the data format given to the second portion being definable for each communication between said at least two devices (Gawlick, column 7, lines 1-9, column 9, lines 6-9, when sending information in a database system, a metadata included information about the structure and an application format of a data is applied).

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a*

*person having ordinary skill in the art to which said subject matter pertains.*

*Patentability shall not be negated by the manner in which the invention was made.*

6. Claims 31 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gawlick** in view **Hütsch** of et al. (hereinafter "Hütsch") (US 7, 269, 664 B2).

*Gawlick discloses the invention substantially as claimed including computer system and methods therefor (see abstract).*

Regarding claim 31, Gawlick discloses a format as claimed in claim 19.

Although Gawlick discloses a data in a format, he does not disclose a system wherein the format only describes the data.

Hütsch discloses a system wherein the format only describes the data (Hütsch, column 10, lines 39-40, a dynamic filter that converts data into a format).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Hütsch dynamic filter into Gawlick communication format system in order to create a communication format system with a dynamic filter feature in order to generate a data format in function of the data content (Hütsch, column 10, lines 44-45).

Regarding claim 44, Gawlick discloses a method as claimed in claim 32.

Although Gawlick discloses a data in a format, he does not disclose a method wherein the format only describes the data.

Hütsch discloses a method wherein the format only describes the data (Hütsch, column 10, lines 39-40, a dynamic filter that converts data into a format).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Hütsch dynamic filter into Gawlick communication format method in order to create a communication format method with dynamic filter feature in order to generate a data format in function of the data content (Hütsch, column 10, lines 44-45).

7. The prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Friedman et al. (US 2003/0208556 A1) is made part of the record because of the teaching of sending formatted data. Grobman (US 2004/0010543 A1) is made part of the record because of the teaching of metadata. Krishnamurthy (US 2003/0195987 A1) is made part of the record because of the teaching of mapping identifiers. Brown et al. (US 7,290,267 B2) is made part of the record because of the

teaching of multi-protocol object distribution. Howard et al. (US 6,363,417 B1) is made part of the record because of the teaching of identifier.

### **Response to Argument**

8. Applicant's arguments filed on December 2, 2008 with respect to claims 19-45, 50, 53, 56, and 57 have been considered, and Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### **Conclusion**

9. Any inquiry concerning this communication from the examiner should be directed to **Marie Georges Henry whose telephone number is (571) 270-3226**. The examiner can normally be reached on Monday to Friday 7:30am - 4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to

the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marie Georges Henry/  
Examiner, Art Unit 2455

/saleh najjar/  
Supervisory Patent Examiner, Art Unit 2455